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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,508	11/30/2000	Masayuki Hoshi	P107156-00030	8912

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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,508

Applicant(s)

HOSHI, MASAYUKI

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the Request for Consideration, filed 01/13/05.

Claims 1-12 are pending in this application. Claims 1, 9, 11, and 12 are independent claims. This action is made final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 102

1. Claims 1-4, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (U.S. Patent No. 5,808,608).

As to claim 1, Young teaches timer reservation device for starting a recording onto a record medium automatically at a reserved date and time, comprising:

reservation setting means capable of setting a first reservation program to reserve repetitive executions of a reservation setting for a plurality of days (e.g., fig. 4), said first reservation setting extending from a recording start time to a recording end time (e.g., col. 24 lines 14-64 and fig. 25);

remaining capacity detecting means for detecting the recordable remaining capacity of said record medium (e.g., col. 8 line 66 and figs. 12-13); and

calculating means for calculating up to what date the recording of said first reservation program is executable on said record medium (e.g., col. 4 lines 29-36), based on the recordable

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remaining capacity (e.g., figs. 12-13) and the recording time of one execution of said first reservation program (variable length, e.g., col. 4 lines 52-67).

As to claim 2, Young teaches the timer reservation device according to claim 1, wherein: the timer reservation device further comprises an onscreen data generating unit for generating a video signal to display specifics of said first reservation program and the due date calculated by said calculation means on a screen of a display means externally connected to the timer reservation device (e.g., col. 5 lines 31-58, col. 17 lines 25-27, figs. 4-7 and 13).

As to claim 3, Young teaches the timer reservation device according to claim 1, wherein said reservation setting means selects at least one from among daily, day of week, Monday-Saturday, and Monday-Friday to reserve the repetitive executions of said reservation setting for a plurality of days (repeatedly recorded in CH7 of fig. 4).

As to claim 4, Young teaches the timer reservation device according to claim 1, wherein: the timer reservation device compresses a record signal at a predetermined compression rate (e.g., EP or SP of fig. 4) and recording the resultant on said record medium (What's on This Tape of fig. 13); and

said calculating means calculates a recording capacity necessary for one execution of the first reservation setting of said first reservation program based on the recording time of one execution of said first reserved program and said compression rate, subtracts the necessary recording capacity from the recordable capacity repetitively, and sets the due date at the date of the last reservation setting to be executed with remaining capacity (e.g., Element 88, Tape Time Remaining, fig. 13).

As to claim 11, it is individually similar in scope to claim 1 above; therefore, rejected under similar rationale.

Claim Rejections - 35 USC § 103

2. Claims 5-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (U.S. Patent No. 5,808,608) in view of Windows NT Screen Capture 1 and 2.

As to claim 5, Young teaches the timer reservation device according to claim 2, wherein: said reservation setting means is also capable of setting a second reservation program to reserve an execution of a second reservation setting at a designated date alone, said second reservation setting extending from a recording start time to a recording end time (e.g., CH 13 of fig. 4, and Start and End Time of fig. 25); and

the timer reservation device, if said second reservation program is to be executed prior to the first-to-be-executed reservation setting of said first reservation program (the viewer can select priority for each channel, e.g., col. 16 lines 53-67); however, Young does not clearly teach requires a recording capacity smaller than or equal to the recordable capacity of said record medium, displays on said display means that the recording to be executed for said second reserved program is recordable on said record medium. Windows NT Screen Capture 1 clearly demonstrates a display is showing the recording (copying) status of the process if there is enough disk space. It would have been obvious to a person of ordinary skill in the art at of the invention to have this status feature of the Windows NT to Young's schedule system to be able to cancel the recording (copying) process.

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As to claim 6, Young teaches the timer reservation device according to claim 5, wherein the timer reservation device, if said second reservation program is to be executed prior to the first-to-be-executed reservation setting of said first reservation program and requires a recording capacity greater than the recordable capacity of said record medium (see claim 5 above); however, Young does not teach displaying on said display means that the recording for said second reservation program is unrecordable on said record medium. Windows NT Screen Capture 2 clearly demonstrates an error message is showing the status of unrecordable (unable to copy) of the process. It would have been obvious to a person of ordinary skill in the art at the time of the invention to add this error status feature of the Windows NT to Young's schedule system to notify the user.

As to claim 7, it is individually similar in scope to claim 6 above; therefore, rejected under similar rationale.

As to claim 8, the limitation of this claim can be found in claims 6 and 7. Note the rejections of claims 6 and 7 above.

As to claim 9, the limitations of this claim can be found in claims 1 and 5. Note the rejections of claim 1 and 5 above.

As to claim 10, it is individually similar in scope to claim 2 above; therefore, rejected under similar rationale.

As to claim 12, it is individually similar in scope to claim 9 above; therefore, rejected under similar rationale.

Response to Arguments

3. Applicant's arguments filed 01/13/05 have been fully considered but they are not persuasive.

Applicant has argued and Examiner disagrees with the following reasons:

a. Young fails to teach the function of setting repetitive executions for a plurality of days.

In fig. 4, Young clearly discloses the TV show "All My Children" can be repeatedly set to record on CH 9 at 12:00 PM-1:00 PM in two different days Apr. 4 and Apr. 6; and on the VCR control section of fig. 21 shows different days of a week which means that the system of Tang can be repeatedly programmed in any time of the week with any different hour.

b. Young fails to teach the function of calculating up to what date based on the recordable remaining capacity.

Young has the ability to calculate the remaining tape during programming the VCR to record the TV schedules (e.g., figs. 12-13), i.e., fig. 12, there is a calculating message "Judge 30 Minutes" from the system to determine how long the show will last and in comparison with the capable of calculating the remaining time of the tape; therefore, it would have been inherent to have some source of message to tell the user if the desired TV show to be programmed can be fit into the remaining tape.

c. Windows NT does not know until the copy process starts whether there is room for all files.

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Microsoft Windows NT Screen Captures 1-2 show a process of copying files into a floppy A; however, the process does not actually copy the files into the floppy disk, the process just temporally saves files into another memory location (e.g. hard drive), and then comparing the saved data with available floppy disk space before moving data from the temporary space (i.e., hard drive) to the floppy disk. Therefore, the user surely knows that there is enough disk space before the actual copy process to the disk is completed, and the checking available disk space is different from starting to copy the data from the hard drive to the floppy disk as clearly explained above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

05/12/04


BA HUYNH
PRIMARY EXAMINER